



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,747	08/31/2001	Hector Alejandro Patrucco	2213P	1987

7590 04/19/2005

SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

SAXENA, AKASH

ART UNIT	PAPER NUMBER
----------	--------------

2128

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,747

Applicant(s)

PATRUCCO, HECTOR
ALEJANDRO

Examiner

Akash Saxena

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

47

DETAILED ACTION

1. Claims 1-34 have been presented for examination based on the application filed on 31st August 2001.

Abstract

2. The disclosure (abstract) is objected to because of the following informalities:

Current abstract contains 153 words.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate corrections are required.

Specification

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
Figure 4, Reference Number 77 is not present as referred by the specification on page 7, line 17. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 9-10, 19-20, 27-28 are objected to because of the following informalities:

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Examiner respectfully suggests claim number for claims 9 & 10 be interchanged to keep the correct numbering sequence for the claims. Similar interchanges need to be made for claims 19-20, 27-28 also. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 discloses a method steps for architectural space programming for a facility, which is not computer implemented. Hence a human could perform these steps manually.

Examiner respectfully suggests changing the phrase "A method for architectural space programming..." to "A computer implemented method for architectural space programming..." to bring the claim into the technological art.

Claims 2-10 are rejected on the basis of their dependency on claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

**Patent Application No. 2003/0018492 A1 files with priority on July 20th, 2001 by
Ronald M. Carlson (Carlson '492 hereafter).**

Regarding Claim 1

Carlson '492 teaches method for "architectural space programming for a facility" as "building project program" (Carlson '492: Page1, [0008], Lines 1-4) for plurality of departments (Carlson '492: Figure 2, Element 215). Carlson '492 teaches a program interface for entering the project data in auto-program module (Carlson '492: Page 2, [0021]) for plurality of departments and generating reports through calculation (Carlson '492: Page 1, [0022], Lines 4-9, 1-3(next Col.)).

Regarding Claim 2

Carlson '492 teaches calculating total cost based on the cost per unit in project report (Carlson '492: Page2, [0027], Lines 9-14).

Regarding Claim 3

Carlson '492 teaches entering facilities data as number of occupants (total occupancy), rules governing the number of people allowed in a room of a given size (capacity) (Carlson '492: Page 2, [0026], Lines 8-13).

Regarding Claim 4

Carlson '492 teaches calculation per unit/department area (Carlson '492: [0031]) and effective area of the facility (Carlson '492: Page 4, [0037], Lines 2-6).

Regarding Claim 5

Carlson '492 teaches selecting a department and adding on new department data (Carlson '492: Figure 2, Element 215) and entering department data (Carlson '492: Figure 6).

Regarding Claim 6

Carlson '492 teaches calculating space plan for each department based on preset or stored information (Carlson '492: Page 2, [0023]; [0026] Lines 8-16).

Regarding Claim 7

Carlson '492 teaches the process of adding multiple departments and calculating department data (Carlson '492: Figure 2, Element 215; Figure 6).

Regarding Claim 8

Carlson '492 teaches updating the architectural space program after the department data is entered including modification (Carlson '492: Page 4, [0040]; Figure 3, Element 265; [0030] Lines 8-10).

Regarding Claim 9

Carlson '492 teaches that project reports can contain data relating to utilization, addition of auxiliary rooms, projections for future use and related head count increase (Carlson '492: Page 3, [0032]; [0033]; [0034]).

Regarding Claim 10

Carlson '492 teaches calculating total budget for project (Carlson '492: Page 2, [0027], Lines 9-14) and displaying it to user (Carlson '492: Page 2, [0024] Lines 4-6).

Regarding Claim 11

Carlson '492 teaches a computer program interface and program (Carlson '492: Page 2, [0019] Lines 4-7; [0020] Lines 8-9). Further, Claim 11 discloses same limitations as claim 1 and is rejected for the same reasons as claim 1.

Regarding Claim 21

Carlson '492 teaches a web interface accessible to user online (Carlson '492: Page 2, [0020] Lines 6-8). Further, Claim 21 discloses same limitations as claim 1 and is rejected for the same reasons as claim 1.

Regarding Claim 29

Carlson '492 teaches a hardware system (Carlson '492: Page 2, [0019] Lines 1-7) to implement the project planning system. Further, Claim 29 discloses same limitations as claim 1 and is rejected for the same reasons as claim 1.

Regarding Claims 12, 22 and 33

Claims 12, 22 and 33 disclose same limitations as claim 2 and are rejected for the same reasons as claim 2.

Art Unit: 2128

Regarding Claim 13

Claim 13 discloses same limitations as claim 3 and is rejected for the same reasons as claim 3.

Regarding Claim 14

Claim 14 discloses same limitations as claim 4 and is rejected for the same reasons as claim 4.

Regarding Claim 15

Claim 15 discloses same limitations as claim 5 and is rejected for the same reasons as claim 5.

Regarding Claim 16

Claim 16 discloses same limitations as claim 6 and is rejected for the same reasons as claim 6.

Regarding Claim 17 and 25

Claims 17 and 25 disclose same limitations as claim 7 and are rejected for the same reasons as claim 7.

Regarding Claim 18 and 26

Claims 18 and 26 disclose same limitations as claim 8 and are rejected for the same reasons as claim 8.

Regarding Claim 19, 27 and 33

Claims 19, 27 and 33 disclose same limitations as claim 9 and are rejected for the same reasons as claim 9.

Regarding Claim 20, 28 and 34

Claims 20, 28 and 34 disclose same limitations as claim 10 and are rejected for the same reasons as claim 10.

Regarding Claim 23

Carlson '492 teaches calculation per unit/department area (Carlson '492: [0031]) and effective area of the facility (Carlson '492: Page 4, [0037], Lines 2-6). Further, Carlson '492 teaches selecting a department and adding on new department data (Carlson '492: Figure 2, Element 215) and entering department data (Carlson '492: Figure 6).

Regarding Claim 24

Carlson '492 teaches entering facilities data as number of occupants (total occupancy), rules governing the number of people allowed in a room of a given size (capacity) (Carlson '492: Page 2, [0026], Lines 8-13). Further, Carlson '492 teaches calculating space plan for each department based on preset or stored information (Carlson '492: Page 2, [0023]; [0026] Lines 8-16).

Regarding Claim 31

Carlson '492 teaches entering facilities data as number of occupants (total occupancy), rules governing the number of people allowed in a room of a given size (capacity) (Carlson '492: Page 2, [0026], Lines 8-13). Carlson '492 also teaches selecting a department and adding on new department data (Carlson '492: Figure 2, Element 215) and entering department data (Carlson '492: Figure 6). Further,

Art Unit: 2128

Carlson '492 teaches the process of adding multiple departments and calculating department data (Carlson '492: Figure 2, Element 215; Figure 6).

Regarding Claim 32

Carlson '492 teaches calculation per unit/department area (Carlson '492: [0031]) and effective area of the facility (Carlson '492: Page 4, [0037], Lines 2-6). Further, Carlson '492 teaches calculating space plan for each department based on preset or stored information (Carlson '492: Page 2, [0023]; [0026] Lines 8-16).

Remarks

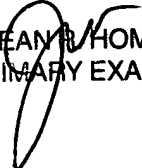
2. All Claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akash Saxena whose telephone number is (571) 272-8351. The examiner can normally be reached on 8:30 - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571)272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Akash Saxena
Patent Examiner, GAU 2128
(571) 272-8351
April 6, 2005


JEAN HOMERE
PRIMARY EXAMINER